

E-Filed 01/21/2010

1 Dan K. Webb (*pro hac vice*)
2 WINSTON & STRAWN LLP
3 35 West Wacker Drive
Chicago, IL 60601-9703
Telephone: (312) 558-5600
Facsimile: (312) 558-5700
dwebb@winston.com

5 Patrick M. Ryan (SBN 203215)
WINSTON & STRAWN LLP
6 101 California Street
San Francisco, CA 94111-5894
7 Telephone: (415) 591-1000
Facsimile: (415) 591-1400
pryan@winston.com

9 Attorneys for Defendant and Counterclaimant
CISCO SYSTEMS, INC. and Counterclaimant
10 CISCO TECHNOLOGY, INC.

11 **UNITED STATES DISTRICT COURT**

12 **FOR THE NORTHERN DISTRICT OF CALIFORNIA**

13 **SAN JOSE DIVISION**

15 MULTIVEN, INC., a Delaware corporation

16 Plaintiff,

17 v.

18 CISCO SYSTEMS, INC., a California
corporation

19 Defendant.

21 CISCO SYSTEMS, INC., a California
corporation, and CISCO TECHNOLOGY,
22 INC., a California corporation

23 Counterclaimant,

24 v.

25 MULTIVEN, INC., a Delaware corporation,
PINGSTA, INC., a Delaware corporation, and
26 PETER ALFRED-ADEKEYE, an individual,

27 Counterdefendants.

14 Case No. 5:08-cv-05391-JW-RS

**[PROPOSED] ORDER GRANTING
ADMINISTRATIVE MOTION TO SEAL
CISCO'S EX PARTE MOTION FOR (1) A
TEMPORARY RESTRAINING ORDER TO
PRESERVE EVIDENCE, (2) AN ORDER
TO SHOW CAUSE WHY A
PRELIMINARY INJUNCTION SHOULD
NOT ISSUE, AND (3) A MIRROR-
IMAGING ORDER**

1 For good cause shown, the Court hereby GRANTS Cisco's administrative motion to seal.
2 The Court directs the clerk to file under seal the following:

3 **A. Memorandum of Points and Authorities in Support of *Ex Parte* Motion for (1) A
4 Temporary Restraining Order to Preserve Evidence, (2) An Order to Show Cause Why a
5 Preliminary Injunction Should Not Issue, and (3) A Mirror-Imaging Order**

- 6 1. Page 1, line 19, beginning with the ninth word, after "preventing" through the first word on
7 line 21, before "and"
8 2. Page 3, line 17, beginning with the eighth word, after "regarding" through line 20, the
9 seventh word from the end, before "(Ryan)"
10 3. Page 4, line 4, beginning with the first word, through line 5, seventh word from the end
11 before "(Ryan)"
12 4. Page 4, line 7, beginning with the seventh word after "that" through the end of line 8
13 5. Page 4, line 25, beginning with the first word through the word before "Counterdefendants"
14 6. Page 4, Footnote 4, line one, beginning with the first word through the eighth word from the
15 end on line 2, before "Cisco"
16 7. Page 5, line 4, beginning with the fifth word, after "website," and ending with the word
17 before "Each"
18 8. Page 5, line 5, beginning with the fourth word from the end, after "the" through the word on
19 line 6 before ".")"
20 9. Page 5, line 7, beginning with the sixth word from the end, after ".")" ending with the first
21 word on line 8, before "originated"
22 10. Page 5, line 14, the seventh word, after "with" and before "a"
23 11. Page 6, line 23, beginning with the third word from the end, after "by" through the third word
24 on line 25, before "and"
25 12. Page 8, line 27 in its entirety
26 13. Page 9, line 1, all of the words before "Copying"
27 14. Page 9, line 14, beginning with the fifth word from the end, after "software." and ending with
28 the second to last word on line 17, before "Cisco"

15. Page 10, line 6, beginning with the eighth word from the end, after “.)” through the second to last word on line 9, before “(*Id.*)”
16. Page 10, line 11, beginning with the fifth word, after “.)” through the word before “originated”
17. Page 10, line 18, the third word, after “with” and before “a”
18. Page 11, beginning with the last word on line 18, after “by” and ending with the word on line 20, before “and (3)”
19. Page 13, Footnote 6, line three, beginning with the sixth word, after “of” and ending with the word before “Light”
20. Page 15, line 12, beginning with the forth word, after “and” ending with the word on line 13, before “(*Id.*)”
21. Page 16, line 6, beginning with the ninth word, after “litigation” and ending with the word on line 7 before “are”
22. Page 19, line 20, beginning with the eleventh word, after “litigation” through the end of Line

B. Declaration of Patrick M. Ryan In Support of *Ex Parte* Motion for (1) A Temporary Restraining Order to Preserve Evidence, (2) An Order To Show Cause Why A Preliminary Injunction Should Not Issue, and (3) A Mirror-Imaging Order

1. Page 1, lines 26 and 27 in their entirety
2. Page 2, lines 1, 2, and 3 in their entirety
3. Page 2, all of line 4, except for the last word “and”
4. Page 2, line 13, beginning with the fifth word, after “products” and through the end of the line

C. Declaration of James D. Light

1. Page 4, ¶21 and ¶22 in their entirety

D. Exhibit 3 to the Declaration of James D. Light

- 1 1. Page 2, Statement for November 3, 2008, the two lines of text to the left of the box with
- 2 “***\$2,000.00”
- 3 2. Page 2, first line of the last section, all of the text after “BNF=” and before “Optimal”
- 4 3. Page 3, Statement for January 15, 2009, the two lines of text to the left of the box with
- 5 “\$***5,000.00”
- 6 4. Page 3, first line of the last section, all of the text after “BNF=” and before “Optimal”
- 7 5. Page 4, Statement for December 16, 2008, the two lines of text to the left of the box with
- 8 “\$***5,000.00”
- 9 6. Page 4, first line of the last section, all of the text after “BNF=” and before “Optimal”
- 10 7. Page 5, Statement for November 25, 2008, the two lines of text to the left of the box with
- 11 “\$***5,000.00”
- 12 8. Page 5, first line of the last section, all of the text after “BNF=” and before “Optimal”
- 13 9. Page 6, Statement for February 12, 2009, the two lines of text to the left of the box with
- 14 “\$***6,083.00”
- 15 10. Page 6, first line of the last section, all of the text after “BNF=” and before “Optimal”
- 16

17 **E. Declaration of Alex T. Bouja**

- 18 1. Page 2, line 1, the eighth word, after “use” and before “Attached”
- 19 2. Page 2, line 6, beginning with the twelfth word, after “network” through the end of the line
- 20 3. Page 2, lines 7 through 13 in their entirety
- 21 4. Page 3, lines 1 through 5 in their entirety
- 22 5. Page 3, line 6 beginning with the first word and ending with the word before “Attached”
- 23 6. Page 3, line 11, beginning with the tenth word, after “numbers” through the end of the line
- 24 7. Page 3, lines 12 through 25 in their entirety
- 25 8. Page 3, line 26, beginning with the first word and ending with the word before “I”
- 26 9. Page 4, line 17, beginning with the sixth word, after “address)” through the end of the line
- 27 10. Page 4, line 18, beginning with the first word and ending with the word before “originated”
- 28

11. Page 4, line 26, beginning with the second word, after “address” and ending with the word before “referenced”
12. Page 4, Footnote 2, the first word in line one through the word before “from”
13. Page 4, Footnote 2, the second word in line two, after “and” through the word before “from”
14. Page 5, line 9, beginning with the thirteenth word, after “access” through the end of the line
15. Page 5, line 10, beginning with the first word through the word before “This”
16. Page 5, line 12, the fifth word after “called” and before “a”
17. Page 6, line 1, the third word from the end, after “to” and before “However”
18. Page 6, line 5, beginning with the ninth word, after “69.181.72.170” through the second to last word before “between”
19. Page 6, line 12, all of the words after “75.57.244.230”
20. Page 7, line 11, beginning with the forth word after “either” and ending with the word before “or engaged” on line 13
21. Page 8, line 15, beginning with tenth word, after “explore” and ending with the word before “For” on line 16

F. Exhibits to the Declaration of Alex T. Bouja

1. Exhibit B in its entirety
 2. Exhibit C in its entirety
 3. Exhibit F in its entirety
 4. Exhibit I in its entirety
 5. Exhibit J in its entirety
 6. Exhibit M in its entirety
 7. Exhibit N in its entirety

G. Declaration of Joe Novak

1. Page 1, ¶5 in its entirety
 2. Page 1, line 22, beginning with the word after “effort.” through the end of the line

- 1 3. Page 1, lines 23 through 27 in their entirety
- 2 4. Page 2, lines 1 through 7 in their entirety
- 3 5. Page 2, line 8, beginning with the first word, and ending with the word before "Determining"
- 4 6. Page 2, line 20, beginning with the forth word after "requirements" through the end of the
5 line
- 6 7. Page 2, lines 21-26 in their entirety
- 7 8. Page 3, line 8, the first word through the word before "A great"
- 8 9. Page 3, line 15, beginning with the third word, after "environment" through the end of the
9 line
- 10 10. Page 3, lines 16 through 19 in their entirety
- 11 11. Page 4, line 6, beginning with the fifth word, after "network" through the end of the line
- 12 12. Page 4, lines 7 through 12 in their entirety
- 13 13. Page 4, line 13, beginning with the first word and ending with the word before "Customers"
- 14 14. Page 4, ¶14 in its entirety
- 15 15. Pages 4-5, ¶15 in its entirety
- 16 16. Page 5, line 5, beginning with the sixth word, after "environments" through the end of the
17 line
- 18 17. Page 5, lines 6 through 10 in their entirety
- 19 18. Page 5, ¶17 in its entirety
- 20 19. Pages 5-6, ¶ in its entirety

21

22 **H. Declaration of Alex T. Bouja In Support of Administrative Motion to Seal Documents**

23 **Related to Counterclaimants' *Ex Parte* Motion for (1) A Temporary Restraining Order to**

24 **Preserve Evidence, (2) An Order to Show Cause Why a Preliminary Injunction Should Not**

25 **Issue, and (3) A Mirror-Imaging Order**

- 26 1. Page 3, lines 10 through 15 in their entirety

1 Although at least some of the materials Cisco seeks to seal appear to include information
2 similar to what Cisco has disclosed elsewhere, the Court finds Cisco has adequately shown
3 sealing to be appropriate. Redacted versions of these documents shall be available in the public
4 record.

5 IT IS SO ORDERED.

6

7 Dated: January 21, 2010


RICHARD SEEBORG
United States District Judge

10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

Winston & Strawn LLP
333 S. Grand Avenue
Los Angeles, CA 90071-1543